

Chairman Peter Rodino  
Judiciary Committee  
House of Representatives  
Washington, D.C. 20555

7627 Old Receiver Road  
Frederick, Md. 21701  
September 15, 1988

Dear Mr. Rodino,

I have read Thomas Boyd's March 28, 1988 letter to you and its attached and un-  
dated letter not signed by William Weld. I write asking that for the record you please  
include this along with your file copies of them because they are false and misleading  
and those political assassinations are an important part of our history.

I am a former reporter, investigative reporter, Senate investigator and editor  
and war-time intelligence analyst. I am the author of six books on the assassination  
of President Kennedy and its official investigations and one on that of Dr. King.  
Unlike the books that are better known, mine do not pursue conspiracy theories and  
instead are a large study of the workings of our basic institutions <sup>in</sup> those times of  
great stress and since then. As part of my work I filed a number of suits under the  
Freedom of Information Act seeking and ultimately forcing <sup>out</sup> over strong official resistance,  
a considerable number of official records that until then had been withheld. The Congress  
amended the investigator <sup>we</sup> files exemption in 1974 over one of my earlier suits. This is  
specific in the legislative history.

Please excuse my typing because I'm 75 and am impaired in health and mobility.  
I have to type sitting sideways from the typewriter.

Mr. Boyd's explanation for the long delay in forwarding the Weld letter simply  
is not true. The Department did not just forget and lose that letter in bureaucratic  
vastness. A number of those who do not agree with the official explanation of the  
assassinations were in regular touch with the Department and were told, including  
after the date of the letter to you, that the report would be disclosed in a short time.

The first paragraph of the Weld letter concludes with the stock evasion of all  
officialdom, "that it appears unlikely that ~~the~~ <sup>new</sup> information will emerge that  
would <sup>provide</sup> ~~provide~~ a productive basis for further investigative activity regarding either"  
of these assassinations. There is nothing wrong with the "old" evidence that was mis-  
represented and ignored. Moreover, the Department and the FBI got a considerable amount  
of "new information" in my lengthy FOIA lawsuits. Everything I alleged was under oath  
and subject to the penalties of perjury. And it was certainly documented, to a large  
degree with the misrepresented and ignored official records I obtained.

The Bronson film, about which you also were not informed fully of accurately, is  
an illustration. Knowledge of it had been suppressed by the FBI until I spotted these  
reports, one of which I attach, and then friends of mine in Dallas located Bronson and  
saw his film. One was a reporter for the Dallas Morning News and it published several  
pages of individual frames from it. (I have added some of the marginal markings on this

and another enclosure.)

Of Bronson's 35mm picture the FBI agent said that although it showed the President "at the precise time shots were fired" it was no good for evidence because it did not show Lee Harvey Oswald with a smoking gun in his hands, i.e., "not sufficiently clear for identification purposes." This was the first working day after the assassination, long before any real investigation could have been made.

Of Bronson's motion picture the agent stated it "failed to show the building from which the shots were fired," the latter a conclusion rather than the result of investigation. In fact it includes almost 100 individual frames not only of the building but of the very window from which the FBI says Oswald fired the shots. He is not in that window only moments before the shots were fired.

The Dallas FBI didn't bother FBIHQ with this report and, of course, FBIHQ did not trouble the Warren Commission with a copy.

Even earlier the Dallas FBI decided that Oswald was a lone assassin, before he was charged. The Dallas FBI record I enclose was, in fact, filed before Oswald was charged, after being routed and indexed and serialized. When another police agency phoned the Dallas office to say that an extremist group ought be considered suspects that report was annotated (it was in the form of a lead) "Not necessary to cover as true subject located." Before Oswald was even charged!

That Oswald was the lone assassin was the instant vision of J. Edgar Hoover. He boasted of this the afternoon of that assassination and if you like I'll send you a copy. (I enclose only a few records that are on my desk because searching my files presents me with physical problems.) This was recorded in a memo to him by Cartha DeLoach, who was with Mr. Hoover when he said what I paraphrase above.

The preconception and the determination not to investigate the crime itself was universal in the Department and FBI. No sooner had Jack Ruby killed Oswald and ended prospects of a trial than Nicholas De B. Katzenbach, then DAG and acting AG, formalized this in a memo to the President via Bill Moyers, attached. Before any real investigation was possible, he wrote, "the public must be satisfied that Oswald was the assassin; that he did not have confederates...; and that the evidence was such that he would have been convicted at trial."

Please believe me, I've read hundreds of thousands of pages of these records and the crimes themselves were never investigated. (The FBI, when embarrassed later, said that it had not investigated the King assassination but had investigated Ray as an escapee.)

While I cannot say that ultimately what <sup>Wald</sup> Mr. ~~Wid~~ said about the alleged inability to make use of Bronson's film is not true, I have read the earlier FBI records and have them. The FBI stonewalled Bronson when his lawyer promised it a first-generation copy



to keep and unlimited access to the original as long as he was present. (This caution was not unwise considering that the crucial frames of the original of the film showing the assassination of President Kennedy taken by Abraham Zapruder disappeared immediately, a fact not only suppressed by the FBI itself (when, for example, it numbered those frames for the Warren Commission) - the FBI never even asked a question about this, leave alone investigate why the frames of the moment of the assassination were gone. <sup>had</sup> the FBI accepted the fully-cooperative Bronson offer it would have been investigating itself.

The third paragraph of the <sup>Wald</sup> letter concludes with a nonsequatur with regard to the Bronson film, questioning its value in accoustical studies, about which more below. In any kind of what can without question be called a real investigation the Bronson film was of essential value not only with regard to the position of the President when he was shot but for such other essentials as background and persons visible in them. Aside from Oswald's absence from that window.

<sup>Basic in the accoustical study</sup> The recordings of the Dallas police radio broadcasts of the time of the assassination, <sup>figured in my C.A. 78-0322.</sup> The FBI swore to an assortment of known falsehoods to deny any copy to me and, when I ultimately located for it and the DJ a <sup>copy</sup> ~~copy~~ it knew it had, I was refused a dub on the spurious ground that it could damage that recording. The FBI had ~~and~~ lied about having its own copy, hidden from ~~even~~ its indices. The proof? First the fact that it transcribed <sup>those</sup> portions of the recordings for the Warren Commission and then, when during my litigation it was forced to make a search for the House committee, it interviewed the police official who was present and made the police recordings available. The FBI <sup>dubbed</sup> ~~had~~ them on its own Wollensak reel-to-reel machine, about which it lied under oath in my lawsuit. There were two recorders used by the police, one, a Gray Audiograph, made a record, and the other, not as the AP story says, a Dicta-phone but a Dictabelt. Those FBI reports reflect that to make the dubs the originals had to be played aloud and the audible sound was recorded. This is ignored by the National Academy of Sciences, which had only what the FBI gave it, but it is a possible explanation of when the shots were recorded and how, <sup>allegedly</sup> after the other conversation <sup>was or as stated</sup> ~~recoded and cited~~ by the NAS.

On page 4 Mr. <sup>Wald</sup> has the usual official gobbledegook of reviewing incoming, unsolicited correspondence and at the bottom of that page he says that "all investigative leads which are known to the Department have been exhaustively pursued." This <sup>second</sup> part is straight-out false, as I'll get to.

Aside from what the Department and the FBI learned if not earlier then in my undisputed evidence about both crimes in my FOIA litigation, after my book on the King assassination was published I became defense investigator. I conducted the investigations for the habeas corpus, which succeeded, and for the two weeks of

*in federal district court in New York*  
 evidentiary hearings. I located and we produced live witnesses who were subject to cross-examination and there are transcripts. Oddly, although I am supposed to have received all the field office and HQ records on this case, they do not include these transcripts. This in itself is more than enough to give the lie to what you were told.

When the so-called investigation (and I say this after reading those records) of the Office of Professional Responsibility was announced, I offered to assist it in any way possible. My offer, made in the presence of my counsel, was not accepted.

Mr. Wied concludes with an evasion, saying that there is "no <sup>persuasive</sup> evidence...to support the theory of a <sup>conspiracy</sup> in either" case. Whether or not there was a conspiracy is not a theory, it is a fact. He is referring only to those theories offered publicly, and I agree that they cannot be supported. He does not say that the FBI does not have any evidence of a conspiracy in either case. The fact is it has an abundance of evidence establishing the existence of a conspiracy in both cases and in my litigation it failed to refute, in fact even confront, the evidence that was in these cases relevant.

Not to take your time and because I ask only that this be made part of your records for the future and for history, I give you two illustrations from the JFK files of the FBI,

The official account of that assassination is that of the three bullets, all fired by Oswald from the window in which the Bronson film does not show he was, the first entered the President's body at the ~~base~~ base of the neck, exiting through his shirt collar and nicking the knot of his tie in so doing; then inflicted five additional wounds on Governor Connally; the second missed entirely and struck a curbstone, causing a spray of concrete chips that slightly wounded a bystander, James Tague; and the third exploded in the President's head.

Of the President's clothing the FBI provided the Warren Commission with photographs so poor the Archives photographer told me they used all ~~their~~ <sup>their</sup> skills to make them unclear. I obtained, by accident I'm sure, an original set of FBI photographs under FOIA ~~and~~ instead of copies of them and I can supply these to you. What the Commission did not get from the FBI was its <sup>clear</sup> photograph of the shirt collar. This clear original makes it apparent that the damage to that collar was not caused by any bullet and that the damage to the tie also could not have been. More explanations if you desire them. In fact, the testimony of the only doctor to see the President before removal of ~~his~~ <sup>of the</sup> clothing, done under his supervision, is that the bullet-hole in the front ~~of the~~ President's neck was above the collar. In fact, under his supervision, two nurses cut the tie off, the usual procedure to which they testified <sup>before</sup> to the Commission. In doing this they cut slits in the collar and made a slight nick on the knot. The two ~~collar slits do not coincide with each other and are of considerable different~~ <sup>collar slits do not coincide with each other and are of considerable different</sup>



collar slits do not coincide with each other and are of considerably different lengths, although both are short. The nick in the knot of the tie does not coincide with either slit by far and, being on the front only, obviously could not have been caused by any bullet, from anywhere. *Or, more than one shooter - a conspiracy*

When I deposed FBI SA Robert Frazier, ballistic expert and liaison with the Commission, in a FOIA suit I showed this picture to him and sought to question him about it. He refused to give testimony but he did twice admit that he had had questions and as a result ~~has~~ asked for a special examination of this evidence by a hair and fibers expert <sup>in FBI lab</sup> Paul Stombaugh. Stombaugh's report was within the litigated request and we asked for a copy. None was ever produced. ~~None~~ is included in the great number of disclosed records. Nor is ~~there~~ the Frazier request in them.

With regard to the missed shot and the Tague wounding, the FBI was ignoring this <sup>*The Department was told about it by*</sup> until a photographer who took and his paper published a picture of the damage to the curbstone. (His print was never returned <sup>*but*</sup> he gave me other prints of it and I have a xerox of the Dallas paper with it and its caption, the paper the FBI got and reviewed daily.) As a result, this could no longer be ignored. At first the FBI tried to con the Commission by suggesting that the regular washing of the streets could wipe out the bullet damage to the top of the curbstone. When that would not wash before the Commission it sent photographic expert Lyndal Shaneyfelt down. He used the existing <sup>*press*</sup> photos and located the precise point and even though he saw no scar or nick or hole had it dug up and took it to FBIHQ for spectrographic analysis. The enclosed synopsis page of a much longer Dallas FBI report makes it clear that the scar or nick did not exist when Shaneyfelt went through this charade. They all <sup>*know*</sup> of the bullet impact. The FBI even transcribed the police reports on it as of the instant of the crime. As the FBI has to know and as is undenied in my litigation, that curbstone was patched. This is quite visible at the Archives. So it went through the shabby <sup>*pretense*</sup> of making a spectrographic analysis of the patch as though it was the real thing hidden by the patch. And of all the many such tests, which include a thin piece of film, the only one missing from the FBI's files, ~~it~~ attested in my lawsuit, is this one, which it presumes was discarded, in violation of regulations, to save space. A thin piece of film of an historic case takes up that much space!

Moreover, although Frazier testified to the Commission only that this test showed what was tested could have been and probably was caused by a bullet, his handwritten notes which I got in the litigation says it would have been caused by an auto tire wheel weight.

And, quite obviously, the dead Oswald could not have patched that innocent curbstone. Besides, he was in jail until killed.

These two bits of FBI evidence indicate the existence of a conspiracy because they establish that no one man could have <sup>caused</sup> all the acknowledged and reported injuries. (The FBI also had evidence of other shots but ignored this also. I have those records, too. It dismissed one by saying that bullet would not have fit in the so-called Oswald rifle.) There is much more bearing on this, much, much more.

In the Ray evidentiary hearing in Memphis I refer to above the judge ultimately held that for purposes of that hearing, whether or not Ray would get the trial he never had, guilt or innocence were immaterial and he <sup>denied</sup> ~~dis~~ the trial. He could not avoid the unrefuted evidence produced on Ray's behalf, evidence that leaves it beyond question that the FBI's case does not exist and that there had been a conspiracy. I offered my set of transcripts at the time of the OPR inquiry and they were not accepted. The government, which I suspect does have them hidden, easily done under the FBI filing system if you are ever interested, can have copies at any time. So can any committee.

For purposes of the record, I believe that FOIA makes me surrogate for the people and anyone can make copies or just examine them. In time they will all be part of a public archive at local Wood College.

Please excuse the length, typing and other defects of this letter because I can do no better. And I do hope that if nothing else you will file this along with the Coyd and Weld letters.

Sincerely,



Harold Weisberg